

## REMARKS/ARGUMENTS

### In the Claims:

Claims 1-6 and 8-21 are pending in the present application. Claims 10-21 have been added. Claim 7 has been canceled.

#### Rejection to Claims 1-9 Under 35 U.S.C. § 112

The Examiner rejected claims 1-9 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Claims 1 and 3 have been amended to overcome this rejection. In particular, sufficient structure has been added to Claim 1 to show what the axes are associated with. Also, the term “pipe” has been removed from Claim 3 to better describe the supporting construction. Applicant respectfully submits that the rejection is traversed.

#### Rejection of Claims 1-4, 7 and 9 Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-4, 7 and 9 under 35 U.S.C. § 102(b) as being anticipated by Mark (US 3,589,715). Applicant does not believe Mark teaches the subject matter of claims 1-4, 7 and 9, therefore, the rejection is respectfully traversed.

Claim 1 has been amended to include at least “a fixing mechanism that releasably fixes the angular position between said plates and allows the plates to switch between and be releasably secured” in positions as a desk and chair. Mark does not teach or suggest the claimed invention. In particular, Mark does not teach a fixing mechanism that allows the chair to transform to a desk and vice versa. While

transforming may be a functional element, the structure of a desk and chair are not functional and Mark does not teach such a structure. Figure 2 cited by the Examiner is a free floating exercising position and is not a secured position of a desk. Applicant respectfully submits that Mark cannot support a rejection of the claimed invention. As Applicant believes independent claims 1, 11 and 21 to recite allowable subject matter, claims 2-6, 8-10 and 12-20, which depend therefrom, would also be allowable. The rejection is respectfully traversed.

Rejection of Claims 1, 2, 4, 7 and 8 Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1, 2, 4, 7 and 8 under 35 U.S.C. § 102(b) as being anticipated by Persson (US 1,157,802). Applicant does not believe Persson teaches the subject matter of claims 1, 2, 4, 7 and 8, therefore, the rejection is respectfully traversed.

Claim 1 has been amended to include at least “a fixing mechanism that releasably fixes the angular position between said plates and allows the plates to switch between and be releasably secured” in positions as a desk and chair. Persson does not teach or suggest the claimed invention. In particular, Persson does not teach a fixing mechanism that allows the chair to transform to a desk and vice versa. While transforming may be a functional element, the structure of a desk and chair are not functional and Persson does not teach such a structure. Furthermore, Persson does not teach or suggest a second horizontal axis. Applicant respectfully submits that Persson cannot support a rejection of the claimed invention. As Applicant believes independent claims 1, 11 and 21 to recite allowable subject matter, claims 2-6, 8-10 and

12-20, which depend therefrom, would also be allowable. The rejection is respectfully traversed.

### **CONCLUSION**

Applicant has amended claims 1-4, has canceled claim 7, and has added new claims 10-21. Applicant has also distinguished the subject matter of the present invention over the teachings of the references cited as prior art by the Examiner.

Therefore, Applicant respectfully submits that the present application is now in condition for allowance, and such action is earnestly requested. Telephone inquiry to the undersigned in order to clarify or otherwise expedite prosecution of the present application is respectfully encouraged.

Respectfully submitted,

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By: /Wesly A. Alig/

Wesly A. Alig  
Attorney for Applicant  
Registration No. 57,211  
Standley Law Group LLP  
495 Metro Place South  
Suite 210  
Dublin, Ohio 43017-5319  
Telephone: (614) 792-5555  
Facsimile: (614) 792-5536  
E-mail: walig@standleyllp.com